



General Assembly

January Session, 2011

Raised Bill No. 6493

LCO No. 3999

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Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT PERMITTING APPEALS OF SMALL CLAIMS MATTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-15 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) In accordance with the provisions of section 51-14, the judges of
4 the Superior Court shall make such orders and rules as they deem
5 necessary or advisable concerning the commencement of process and
6 procedure in flowage petitions, paternity proceedings, replevin,
7 summary process, habeas corpus, mandamus, prohibition, ne exeat,
8 quo warranto, forcible entry and detainer, peaceable entry and forcible
9 detainer, for paying rewards, for cases filed on and after January 1,
10 1994, which are expedited process cases pursuant to subdivision (2) of
11 subsection (b) of section 52-195b, and for the hearing and
12 determination of small claims, including suitable forms of procedure in
13 such cases, exclusive of fees.

14 (b) The judges of the Superior Court shall adopt orders and rules for
15 the hearing and determination of small claims that shall include: (1)
16 Provisions for the institution of small claims actions by attorneys-at-

17 law on suitable forms to be served by a proper officer or indifferent
18 person upon the defendant in the same manner as complaints are
19 served in civil actions; (2) notice by mail; (3) provisions for the early
20 hearing of actions and rules for hearings in accordance with sections
21 51-193t and 52-549a, and the elimination of any and all fees or costs,
22 except a fee for small claims procedure as prescribed in section 52-259;
23 (4) modification of any or all existing rules of pleading, practice and
24 evidence; [and] (5) a stay of the entry of judgment or of the issuance of
25 execution and an alternative procedure according to the usual rules of
26 practice, and (6) procedures for the appeal of small claims actions
27 pursuant to subsection (d) of this section. Such orders and rules shall
28 permit the institution of a small claims action against a nonresident
29 defendant who owns real or personal property in this state and against
30 an out-of-state corporation.

31 (c) Upon the taking effect of such orders and rules, all provisions of
32 statute, both public and private, and the provisions of any orders or
33 rules adopted by the judges of the Superior Court prior to July 1, 1957,
34 inconsistent with or superseded by them, shall be deemed to be
35 repealed, to the extent necessary to render the orders and rules
36 effective.

37 (d) The procedure for the hearing and determination of small claims
38 as the same may be prescribed, from time to time, by the judges of the
39 Superior Court shall be used in all small claims sessions of the court.
40 The small claims procedure shall be applicable to all actions, except
41 actions of libel and slander, claiming money damages not in excess of
42 five thousand dollars, and to no other actions. If an action is brought in
43 the small claims session by a tenant pursuant to subsection (g) of
44 section 47a-21 to reclaim any part of a security deposit which may be
45 due, the judicial authority hearing the action may award to the tenant
46 the damages authorized by subsection (d) of said section and, if
47 authorized by the rental agreement or any provision of the general
48 statutes, costs, notwithstanding that the amount of such damages and
49 costs, in the aggregate, exceeds the jurisdictional monetary limit

50 established by this subsection. If a motion is filed to transfer a small
51 claims matter to the regular docket in the court, the moving party shall
52 pay the fee prescribed by section 52-259. The Attorney General or an
53 assistant attorney general, or the head of any state agency or his or her
54 authorized representative, while acting in his or her official capacity
55 shall not be required to pay any small claims court fee. There shall be
56 no charge for copies of service on defendants in small claims matters.
57 Any person aggrieved by the final determination in a small claims
58 action claiming money damages in excess of two hundred fifty dollars
59 may appeal therefrom to the Superior Court for a trial de novo.

60 (e) The orders and rules for the expedited hearing and
61 determination of cases maintained pursuant to subdivision (2) of
62 subsection (b) of section 52-195b shall include, but shall not be limited
63 to: The modification of any or all existing rules of pleading, practice
64 and evidence; the adoption of procedures for disclosure of material
65 facts at the time of filing of the matter in court; the waiver of the right
66 to appeal a final judgment entered; the transfer of cases under this
67 subsection to the regular docket of the court; an expedited pretrial
68 conference; an expedited assignment for trial on the merits; and the
69 waiver of the right to a record of the trial proceedings. All expedited
70 process cases shall be heard by a judge of the Superior Court.

71 Sec. 2. Section 51-197a of the general statutes is repealed and the
72 following is substituted in lieu thereof (*Effective October 1, 2011*):

73 (a) Appeals from final judgments or actions of the Superior Court
74 shall be taken to the Appellate Court in accordance with section 51-
75 197c, except for small claims, which are not appealable to the Appellate
76 Court, appeals within the jurisdiction of the Supreme Court as
77 provided for in section 51-199, appeals as provided for in sections 8-8
78 and 8-9, and except as otherwise provided by statute.

79 (b) The Appellate Court may issue all writs necessary or appropriate
80 in aid of its jurisdiction and agreeable to the usages and principles of
81 law.

82 (c) All matters pending in the appellate session of the Superior
83 Court on July 1, 1983, shall be construed as pending with the same
84 status in the Appellate Court on said date.

85 (d) Notwithstanding subsection (c) of this section, the appellate
86 session of the Superior Court shall continue to have jurisdiction over
87 appeals which it heard prior to July 1, 1983, pursuant to the provisions
88 which were applicable at such time.

89 (e) Except as otherwise provided in sections 2-40, 2-42, 7-143, 7-230,
90 8-8, 8-9, 8-132, 8-132a, 10-153e, 12-4, 13a-76, 31-63, 31-109, 31-118, 31-
91 249b, 31-272, 31-301b, 31-301c, 31-324, 31-491, 31-493, 38a-470, 46a-94,
92 46a-95, 46b-142, 46b-143, 46b-150c, 51-1a, 51-14, 51-49, 51-50j, 51-164x,
93 51-165, 51-197a, 51-197b, 51-197c, 51-197e, 51-197f, 51-199, 51-201, 51-
94 202, 51-203, 51-209, 51-210, 51-211, 51-213, 51-215a, 51-216a, 52-235, 52-
95 257, 52-259, 52-263, 52-267, 52-405, 52-434, 52-434a, 52-470, 52-476, 52-
96 477, 52-592, 54-63g, 54-95, 54-96, 54-96a, 54-96b and 54-143, all
97 jurisdiction conferred upon and exercised by the appellate session
98 prior to July 1, 1983, of the Superior Court shall be transferred to the
99 Appellate Court.

100 Sec. 3. Section 52-263 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective October 1, 2011*):

102 Upon the trial of all matters of fact in any cause or action in the
103 Superior Court, whether to the court or jury, or before any judge
104 thereof when the jurisdiction of any action or proceeding is vested in
105 him, if either party is aggrieved by the decision of the court or judge
106 upon any question or questions of law arising in the trial, including the
107 denial of a motion to set aside a verdict, [he] such party may appeal to
108 the court having jurisdiction from the final judgment of the court or of
109 such judge, or from the decision of the court granting a motion to set
110 aside a verdict, except in small claims cases, which shall not be
111 appealable except as provided in section 51-15, as amended by this act,
112 and appeals as provided in sections 8-8 and 8-9.

113 Sec. 4. Section 52-549a of the general statutes is repealed and the
114 following is substituted in lieu thereof (*Effective October 1, 2011*):

115 (a) In any small claims action, the parties may, by agreement,
116 submit such matter to a commissioner of the Superior Court chosen on
117 a rotating basis by the clerk of the court to which such small claim is
118 returned, from a list of such commissioners approved by the Chief
119 Court Administrator, in accordance with section 52-549d, and
120 submitted to the parties by the clerk in the small claims area in which
121 such matter is filed. If the parties fail to agree on the first commissioner
122 so chosen, the clerk shall choose another upon whom the parties may
123 agree on such rotating basis.

124 (b) If the parties consent to a hearing before a commissioner of the
125 Superior Court, they shall sign a statement, to be filed with the clerk of
126 the superior court in which such action is filed, containing the
127 following: (1) Consent to hearing before such commissioner, which
128 shall contain the name of the commissioner; (2) a brief recital of the
129 nature of the controversy to be determined; and (3) an agreement of
130 the parties to abide by the decision of such commissioner, subject to
131 any appeal to the Superior Court pursuant to section 51-15, as
132 amended by this act.

133 Sec. 5. Section 52-259 of the general statutes is repealed and the
134 following is substituted in lieu thereof (*Effective October 1, 2011*):

135 (a) There shall be paid to the clerks for entering each appeal or writ
136 of error to the Supreme Court, or entering each appeal to the Appellate
137 Court, as the case may be, two hundred fifty dollars, and for each civil
138 cause in the Superior Court, three hundred dollars, except (1) one
139 hundred seventy-five dollars for entering each case in the Superior
140 Court in which the sole claim for relief is damages and the amount,
141 legal interest or property in demand is less than two thousand five
142 hundred dollars and for summary process, landlord and tenant and
143 paternity actions and (2) there shall be no entry fee for making an
144 application to the Superior Court for relief under section 46b-15, [or]

145 for making an application to modify or extend an order issued
146 pursuant to section 46b-15 or for an appeal of a small claims action to
147 the Superior Court pursuant to section 51-15, as amended by this act. If
148 the amount, legal interest or property in demand by the plaintiff is
149 alleged to be less than two thousand five hundred dollars, a new entry
150 fee of seventy-five dollars shall be charged if the plaintiff amends his
151 or her complaint to state that such demand is not less than two
152 thousand five hundred dollars.

153 (b) The fee for the entry of a small claims case shall be seventy-five
154 dollars. If a motion is filed to transfer a small claims case to the regular
155 docket the moving party shall pay a fee of one hundred twenty-five
156 dollars.

157 (c) There shall be paid to the clerk of the Superior Court by any
158 party who requests that a matter be designated as a complex litigation
159 case the sum of three hundred twenty-five dollars, to be paid at the
160 time the request is filed.

161 (d) There shall be paid to the clerk of the Superior Court by any
162 party who requests a finding of fact by a judge of such court to be used
163 on appeal the sum of twenty-five dollars, to be paid at the time the
164 request is filed.

165 (e) There shall be paid to the clerk of the Superior Court a fee of
166 seventy-five dollars for a petition for certification to the Supreme
167 Court and Appellate Court.

168 (f) There shall be paid to the clerk of the Superior Court for
169 receiving and filing an assessment of damages by appraisers of land
170 taken for public use or the appointment of a commissioner of the
171 Superior Court, two dollars; for recording the commission and oath of
172 a notary public or certifying under seal to the official character of any
173 magistrate, ten dollars; for issuing a certificate that an attorney is in
174 good standing, ten dollars; for certifying under seal, two dollars; for
175 exemplifying, twenty dollars; for making all necessary records and

176 certificates of naturalization, the fees allowed under the provisions of
177 the United States statutes for such services; and for making copies, one
178 dollar a page.

179 (g) There shall be paid to the clerk of the Superior Court for a copy
180 of a judgment file a fee of twenty-five dollars, inclusive of the fees for
181 certification and copying, for a certified copy and a fee of fifteen
182 dollars, inclusive of the fee for copying, for a copy which is not
183 certified; and for a copy of a certificate of judgment in a foreclosure
184 action, as provided by the rules of practice and procedure, twenty-five
185 dollars, inclusive of the fees for certification and copying.

186 (h) There shall be paid to the clerk of the Superior Court a fee of one
187 hundred seventy-five dollars at the time any application for a
188 prejudgment remedy is filed.

189 (i) A fee of twenty dollars for any check issued to the court in
190 payment of any fee which is returned as uncollectible by the bank on
191 which it is drawn may be imposed.

192 (j) The tax imposed under chapter 219 shall not be imposed upon
193 any fee charged under the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	51-15
Sec. 2	<i>October 1, 2011</i>	51-197a
Sec. 3	<i>October 1, 2011</i>	52-263
Sec. 4	<i>October 1, 2011</i>	52-549a
Sec. 5	<i>October 1, 2011</i>	52-259

Statement of Purpose:

To permit any party aggrieved by a judgment in a small claims court to appeal the judgment to the Superior Court for a trial de novo if the amount in dispute is more than two hundred fifty dollars.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]